

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

REGINALD DONELL RICE,

Plaintiff,

v.

CAREY D. COCKELL, et al.,

Defendants.

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No. 3:10-cv-741-O

**ORDER OF THE COURT ON RECOMMENDATION REGARDING
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- () The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The *Application to Proceed In Forma Pauperis* on appeal (doc. 16) is **DENIED** because the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and because the plaintiff may not proceed *in forma pauperis* on appeal under 28 U.S.C. § 1915(g) (three-strikes rule). In support of this certification, the Court adopts and incorporates by reference the Findings, Conclusions, and Recommendation filed in this case on May 5, 2010 (doc. 6).¹

Although this Court has denied the application to proceed *in forma pauperis* on appeal under 28 U.S.C. § 1915(g) (three-strikes rule), the plaintiff may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

SO ORDERED on this **15th day of April, 2019.**



Reed O'Connor
UNITED STATES DISTRICT JUDGE

¹ Additionally, the Court notes that the 5th Circuit dismissed Plaintiff's appeal but accepts the Magistrate Judge's finding to the extent that dismissal did not render Plaintiff's request moot. *See* ECF No. 20.